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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,570	08/18/2008	Robert B. Havekost	06005/41112	9269
45372 7590 10/07/2010 MARSHALL, GERSTEIN & BORUN LLP (FISHER) 233 SOUTH WACKER DRIVE 6300 WILLIS TOWER CHICAGO, IL 60606			EXAMINER ROBERTSON, DAVID	
			ART UNIT 2121	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/574,570

**Applicant(s)**

HAVEKOST ET AL.

**Examiner**

Dave Robertson

**Art Unit**

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 4/6/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/28)  
Paper No(s)/Mail Date 1/22/07 1/14/08 6/1/10  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is a Non-final First Office Action on the Merits. Claims 1-20 as originally filed on 4/4/2006 are examined herein.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites: **A graphical user interface...comprising simultaneous display of multiple alarms....** However, it is unclear what statutory class the claimed invention belongs. The "interface" is not claimed with any structure for the displaying nor steps of displaying; rather, the claim recites merely an arrangement or content of information on alarms and related data. At least one interpretation of a "graphical user interface...comprising simultaneous display..." is that of a visual display of information (non-functional data) to provide to an operator visual indicia of alarm priority and alarm age. Claims 2-17 depend from claim 1 and are similarly deficient because each merely modifies the display, arrangement or content of alarm or alert information, and where the display may call for function (e.g. claim 12), it is not clear how the "means to navigate" is related to the "interface" as specifically claimed. Claim 18 similarly appears

to claim (or encompasses a claim to) a graphical user interface comprising information, i.e. non-functional display of data.

Appropriate amendment or clarification is requested.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites: **A graphical user interface...comprising simultaneous display of multiple alarms....** However, the "interface" is not claimed with any structure for the displaying nor steps of displaying; rather, the claim recites merely an arrangement or content of information on alarms and related data, and at least one interpretation of a "graphical user interface...comprising simultaneous display..." is that of a visual display of information (non-functional data) to provide to an operator visual indicia of alarm priority and alarm age. Claims to mere arrangements of non-functional on a display are ineligible for patenting under 35 U.S.C. 101. Claims 2-17 depend from claim 1 and are similarly deficient because each merely modifies the display, arrangement or content of alarm or alert information.

Claim 18 similarly appears to claim (or encompasses a claim to) a graphical user interface comprising information, i.e. non-functional display of data. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable

medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See MPEP § 2106.01

By contrast, claim 19 recites: **A machine readable medium having instructions stored thereon that, when executed, causes a machine with at least one monitor to generate a graphical user interface ...** thereby reciting a tangible medium with stored instructions for a machine performing at least one step of generating a display on a monitor, which is statutory subject matter.

Appropriate amendment is requested.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bristol (US Pat. No. 6,535,122).

#### Claims 1-18

Bristol teaches **a graphical user interface for a process control system that includes a plurality of data inputs and a variety of alarms for said data inputs** (see

Figures 5, 6, and 9). The remainder of claim 1, and the further limitations of claims 2-18 recite encompass non-functional descriptive material (see above, rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph). By broadest reasonable interpretation (that of encompassing an arrangement of information, as above) and because the content and arrangement of data on the display is not recited in a manner that structurally or by acts modifies "the interface" (as apparatus or process, depending on interpretation), the details of "simultaneous display" as recited do not carry patentable weight.

Examiner notes that Bristol (cited above) and other of the cited patents teach some or all of the limitations of claims 1-18. In formulating a response to rejections herein, Applicant is advised to consider the references in their entirety as well as the context of the teachings within the prior art and within what the prior art as a whole would have suggested to one of ordinary skill in the art at the time of invention.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bristol (US Pat. No. 6,535,122) in view of Ashcraft et al. (US Pat. No. 6,810,337).

Claim 19

Bristol teaches **a machine readable medium** (column 19, line 24) **having instructions stored thereon that, when executed, causes a machine with at least one monitor to:**

**generate a graphical user interface for a process control system that includes a plurality of data inputs and a variety of alarms for said data inputs, the interface including simultaneous display of multiple alarms** (see Figure 5)

**wherein the each of alarm displays provide indicia of alarm priority** (Figure 4 (1253a), **each of the alarm displays comprising contextual information about the alarm** (Figures 4 and 5), **the interface further comprising**

**simultaneous display of indicia of all other active alarms of at least one of a common control module, a common equipment module or a common process unit** (Figure 4: for the “styrene plant”),

**a plurality of alarm profiles wherein alarms are grouped by at least one of time span, plant area, process unit and equipment module, the alarm profiles being super imposable on a process graphic display so that alarm profiles can be seen in the spatial context of equipment schematics depicted in the process graphic display** (Figure 4: for the “styrene plant”, alarms “superimposed” on the plant diagram (1210b)).

However, Bristol does not expressly teach display of alarm information including **alarm age**.

Ashcraft et al. teaches display of alarm age (Figure 3) using (Figure 2a) alarm age for prioritizing remediation activities based on alarm age to the benefit of operators and managers (Bristol, column 2, lines 41-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to display such alarm age in Bristol because, in view of Ashcraft and Bristol's own teaching of the prioritization of alarms (Figure 4 (1253a)), displaying alarm age with the alarm information would have further assisted in the remediation of alarms by having "accurate information related to the age of the alarms."

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bristol in view of Ashcraft et al. as above for claim 19, and further in view of Havekost et al (US Pat. No. 5,768,119).

Claim 20

Bristol teaches **the machine readable medium of claim 19** (as above); however Bristol does not expressly teach display of **a plurality of different operator definable display alerts for augmenting the simultaneous display of multiple alarms.**

Havekost expressly teaches as old and well known in the art operator definable display alerts for augmenting the simultaneous display of multiple alarms (see Summary, column 3) for the advantage of allowing the user/operator to set alarm conditions customized to the application. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide such operator definable display alerts in Bristol as this would have gained similar advantage to the local control of particular alarms for the monitoring and displaying in Bristol's Styrene plant.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (571)272-8220. The examiner can normally be reached on 9 am to 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Robertson/  
Examiner, Art Unit 2121